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Docket No.: TJU0012-101
PATENTAppl. Number: 11/611,533
Filed: 06/30/2003**AMENDMENTS TO THE CLAIMS:**

Please amend claims 1, 11, 12, 25, 26, 29 and 30, cancel claims 21-24 and 33 without prejudice and add new claims 34-39 as follows.

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) An in vitro method of screening an individual for metastatic colorectal cancer cells or ~~primary and/or metastatic stomach~~ cancer cells or metastatic esophageal cancer cells comprising the ~~steps~~ step of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 is being expressed by cells in said sample wherein expression of said CDX1 indicates a possibility of metastatic colorectal cancer cells or ~~primary and/or metastatic stomach~~ cancer cells or metastatic esophageal cancer cells in said sample.
2. (Original) The method of claim 1 wherein expression of said CDX1 by said cells is determined by detecting the presence of CDX1 gene transcription product.
3. (Original) The method of claim 1 wherein expression of said CDX1 by said cells is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.
4. (Original) The method of claim 1 wherein expression of said CDX1 by said cells is determined by immunoassay wherein said sample is contacted with antibodies that specifically bind to CDX1 gene translation product.
5. (Original) The method of claim 1 wherein said sample is body fluid.

Docket No.: TJU0012-101
PATENT

Appl. Number: 11/611,533
Filed: 06/30/2003

6. (Original) The method of claim 1 wherein said sample is blood.
7. (Original) The method of claim 1 wherein said sample is lymphatic tissue and/or fluid.
8. (Original) The method of claim 1 wherein said sample is a lymph node sample.
9. (Original) The method of claim 1 wherein the individual has previously been diagnosed with having colorectal, stomach or esophageal cancer.
10. (Original) The method of claim 1 wherein the individual has previously been diagnosed with and treated for colorectal, stomach or esophageal cancer
11. (Currently Amended) An in vitro method of screening an individual for metastatic colorectal cancer ~~cells or primary and/or~~ metastatic stomach cancer or metastatic esophageal cancer ~~cells comprising the steps~~ step of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 gene transcription or translation product is present in said sample wherein the presence of CDX1 gene transcription or translation product in said sample indicates that the individual may have metastatic colorectal cancer ~~cells or primary and/or~~ metastatic stomach cancer or metastatic esophageal cancer, ~~cells in said sample.~~
12. (Currently Amended) The method of claim ~~10~~ 11 comprising the steps of examining a sample of extraintestinal tissue and/or body fluids from an individual to determine whether CDX1 gene transcription product is present in said sample.

Docket No.: TJU0012-101
PATENT

Appl. Number: 11/611,533
Filed: 06/30/2003

13. (Original) The method of claim 12 wherein the presence of CDX1 gene transcription product is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.

14. (Original) The method of claim 11 wherein the presence of CDX1 gene translation product is determined by immunoassay wherein said sample is contacted with antibodies that specifically bind to CDX1 gene translation product.

15. (Original) The method of claim 11 wherein said sample is body fluid.

16. (Original) The method of claim 11 wherein said sample is blood.

17. (Original) The method of claim 11 wherein said sample is lymphatic tissue and/or fluid.

18. (Original) The method of claim 11 wherein said sample is a lymph node sample.

19. (Original) The method of claim 11 wherein the individual has previously been diagnosed with having colorectal, stomach or esophageal cancer.

20. (Original) The method of claim 11 wherein the individual has previously been diagnosed with and treated for colorectal, stomach or esophageal cancer

21-24. canceled

25. (Currently Amended) A method of diagnosing an individual who has metastatic stomach cancer in an individual who has previously been diagnosed with having stomach cancer comprising the ~~steps~~ step of examining a body fluid or lymph node sample of stomach tissue

Docket No.: TJU0012-101
PATENT

Appl. Number: 11/611,533
Filed: 06/30/2003

from said individual to detect the presence of CDX1 transcript or translation product in said sample wherein the presence of CDX1 transcript or translation product in a stomach said sample indicates that the individual has metastatic stomach cancer.

26. (Currently Amended) The method of claim 25 comprising the ~~steps~~ step of examining said sample ~~of stomach tissue~~ to determine whether CDX1 gene transcription product is present in said sample.

27. (Original) The method of claim 26 wherein the presence of CDX1 gene transcription product is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.

28. (Original) The method of claim 26 wherein the presence of CDX1 gene translation product is determined by immunoassay wherein said sample is contacted with antibodies that specifically bind to CDX1 gene translation product.

29. (Currently Amended) A method of diagnosing an individual who has metastatic esophageal cancer in an individual who has previously been diagnosed with having esophageal cancer comprising the ~~steps~~ step of examining a body fluid or lymph node sample of esophagus tissue to detect the presence of CDX1 transcript or translation product wherein the presence of CDX1 transcript or translation product in an ~~esophageal~~ said sample indicates that the individual has metastatic esophageal cancer.

30. (Currently Amended) The method of claim 29 comprising the ~~steps~~ step of examining said sample ~~of esophageal tissue~~ to determine whether CDX1 gene transcription product is present in said sample.

Docket No.: TJU0012-101
PATENT

Appl. Number: 11/611,533
Filed: 06/30/2003

31. (Original) The method of claim 30 wherein the presence of CDX1 gene transcription product is determined by polymerase chain reaction wherein said sample is contacted with primers that selectively amplify CDX1 gene transcript or cDNA generated therefrom.

32. (Original) The method of claim 29 wherein the presence of CDX1 gene translation product is determined by immunoassay wherein said sample is contacted with antibodies that specifically bind to CDX1 gene translation product.

33. (Canceled)

34. (New) The method of claim 25 wherein said sample is blood.

35. (New) The method of claim 25 wherein said sample is lymphatic tissue and/or fluid.

36. (New) The method of claim 25 wherein said sample is a lymph node sample.

37. (New) The method of claim 29 wherein said sample is blood.

38. (New) The method of claim 29 wherein said sample is lymphatic tissue and/or fluid.

39. (New) The method of claim 29 wherein said sample is a lymph node sample.